



16/11/01  
PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/277,575-Conf. #3748
Filing Date	March 27, 1999
First Named Inventor	Newell et al.
Art Unit	1644
Examiner Name	F. P. Vandervegt
Attorney Docket Number	V0139.70028US00

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Return receipt postcard; \$180 check
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application		Remarks
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	WOLF, GREENFIELD & SACKS, P.C.		
Signature			
Printed name	Helen C. Lockhart		
Date	March 2, 2007	Reg. No.	39,248

#### Certificate of Mailing Under 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: March 2, 2007

Signature: (Emily E. Zukauskas)



Docket No.: V0139.70028US00  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Newell et al.  
Serial No.: 09/277,575  
Confirmation No.: 3748  
Filed: March 27, 1999  
For: METHODS AND PRODUCTS RELATED TO METABOLIC  
INTERACTIONS DISEASE (BECAME I0277/7004; AS OF 9/02  
BACK TO V0139/7028)  
Examiner: F. P. Vandervegt  
Art Unit: 1644

**Certificate of Mailing Under 37 CFR 1.8(a)**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: March 2, 2007

*Emily E. Zukauskas*  
Emily E. Zukauskas

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT

03/07/2007 CNGUYEN2 00000038 09277575

01 FC:1806

180.00 0P

1156165.1

application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

In accordance with 37 CFR 1.98(a)(2)(ii), Applicant has not submitted copies of U.S. patents and U.S. patent applications. Applicant submits herewith copies of foreign patents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

The Applicant would like to bring to the Examiner's attention the enclosed search report or other communication from a corresponding or other International or Foreign National Application.

<u>Serial No.</u>	<u>Mailing Date</u>	<u>Type(s) of Communication</u>	<u>Docket No.</u>
10/802,440	March 31, 2006	Office Action	V0139.70060US01
10/802,440	November 6, 2006	Office Action	V0139.70060US01
10/616,865	December 5, 2006	Office Action	V0139.70071US00
EP 99915109.5	December 4, 2006	Office Communication	V0139.70028EP00

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Our check in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p) is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application

by this firm) to our Deposit Account No. 23/2825, under Docket No. V0139.70028US00. A duplicate copy of this paper is enclosed.

Dated: March 2 , 2007

Respectfully submitted,

By Helen C. Lockhart

Helen C. Lockhart

Registration No.: 39,248

WOLF, GREENFIELD & SACKS, P.C.

Federal Reserve Plaza

600 Atlantic Avenue

Boston, Massachusetts 02210-2206

(617) 646-8000



MAR 06 2007

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO/SB/08A/B (09-06)

Approved for use through 03/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449/PTO				Complete if Known	
				Application Number	09/277,575-Conf. #3748
				Filing Date	March 27, 1999
				First Named Inventor	Newell et al.
				Art Unit	1644
				Examiner Name	F. P. Vandervegt
Sheet	1	of	2	Attorney Docket Number	V0139.70028US00

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-4,971,951	11-20-1990	Garcia y Bellon et al.	
		US-5,286,653	02-15-1994	Brenner et al.	
		US-6,416,958-A1	07-09-2002	Vidovic et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)			
		EP-0524796	01-27-1993	Efamol Holdings PLC	
		WO-9716188	05-09-1997	Merck & Co., Inc.	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \* CITE NO.: Those application(s) which are marked with an single asterisk (\*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author ( in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T <sup>2</sup>
		[No Author Listed] TAXOL Product Literature. Bristol Myers Squibb. 2003:1-6.			
		BERG et al., Pharmacokinetics of taxol and doxorubicin administered alone and in combination by continuous 72-hour infusion. J Natl Cancer Inst. 1994 Jan 19;86(2):143-5.			
		BODMER et al., Identification of HLA-DP polymorphism with DP alpha and DP beta probes and monoclonal antibodies: correlation with primed lymphocyte typing. Proc Natl Acad Sci U S A. 1987 Jul;84(13):4596-600.			
		CARREL et al., Recombinant interferon-gamma can induce the expression of HLA-DR and -DC on DR-negative melanoma cells and enhance the expression of HLA-ABC and tumor-associated antigens. Eur J Immunol. 1985 Feb;15(2):118-23.			
		CRUMP et al., Gemcitabine, dexamethasone, and cisplatin in patients with recurrent or refractory aggressive histology B-cell non-Hodgkin lymphoma: a Phase II study by the National Cancer Institute of Canada Clinical Trials Group (NCIC-CTG). Cancer. 2004 Oct 15;101(8):1835-42.			
		DEEN et al., A soluble form of CD4 (T4) protein inhibits AIDS virus infection. Nature. 1988 Jan 7;331(6151):82-4.			
		FANCIULLI et al., Effect of the antitumor drug Iomnidamine on glucose metabolism of adriamycin-sensitive and -resistant human breast cancer cells. Oncol Res. 1996;8(3):111-20.			
		HEDLEY et al., Assembly and peptide binding of major histocompatibility complex class II heterodimers in an in vitro translation system. Proc Natl Acad Sci U S A. 1994 Oct 25;91(22):10479-83.			
		HESS et al., A novel function of CD40: induction of cell death in transformed cells. J Exp Med. 1996 Jan 1;183(1):159-67.			

Examiner Signature	Date Considered
--------------------	-----------------

Substitute for form 1449/PTO				<i>Complete if Known</i>	
				Application Number	09/277,575-Conf. #3748
				Filing Date	March 27, 1999
				First Named Inventor	Newell et al.
				Art Unit	1644
				Examiner Name	F. P. Vandervegt
Sheet	2	of	2	Attorney Docket Number	V0139.70028US00

	HOON et al., Modulation of human melanoma cells by interleukin-4 and in combination with gamma-interferon or alpha-tumor necrosis factor. <i>Cancer Res.</i> 1991 Apr 15;51(8):2002-8.	
	IANNIELLO et al., Cisplatin, epirubicin, and vindesine with or without Iomidamine in the treatment of inoperable nonsmall cell lung carcinoma: a multicenter randomized clinical trial. <i>Cancer.</i> 1996 Jul 1;78(1):63-9.	
	KHOURY et al., Ex vivo treatment of antigen-presenting cells with CTLA4Ig and encephalitogenic peptide prevents experimental autoimmune encephalomyelitis in the Lewis rat. <i>J Immunol.</i> 1996 Oct 15;157(8):3700-5.	
	KUCHROO et al., B7-1 and B7-2 costimulatory molecules activate differentially the Th1/Th2 developmental pathways: application to autoimmune disease therapy. <i>Cell.</i> 1995 Mar 10;80(5):707-18.	
	LAMARRE et al., Class II MHC molecules and the HIV gp 120 envelope protein interact with functionally distinct regions of the CD4 molecule. <i>EMBO J.</i> 1989 Nov;8(11):3271-7.	
	MIZUNO et al., The proteolytic cleavage of protein kinase C isotypes, which generates kinase and regulatory fragments, correlates with Fas-mediated and 12-O-tetradecanoyl-phorbol-13-acetate-induced apoptosis. <i>Eur J Biochem.</i> 1997 Nov 15;250(1):7-18.	
	NEWELL et al., The effects of chemotherapeutics on cellular metabolism and consequent immune recognition. <i>J Immuno Based Ther Vaccines.</i> 2004 Feb 2;2(1):3.	
	POSADA et al., Human multidrug resistant KB cells overexpress protein kinase C: involvement in drug resistance. <i>Cancer Commun.</i> 1989;1(5):285-92.	
	STASSI et al., Nitric oxide primes pancreatic beta cells for Fas-mediated destruction in insulin-dependent diabetes mellitus. <i>J Exp Med.</i> 1997 Oct 20;186(8):1193-200.	
	SUZUKI et al., Activation of target-tissue immune-recognition molecules by double-stranded polynucleotides. <i>Proc Natl Acad Sci U S A.</i> 1999 Mar 2;96(5):2285-90.	
	TANSAN et al., Augmentation of vincristine cytotoxicity by megestrol acetate. <i>Cancer Chemother Pharmacol.</i> 1997;39(4):333-40.	
	UTZ et al., The protein kinase C inhibitor CGP 41251, a staurosporine derivative with antitumor activity, reverses multidrug resistance. <i>Int J Cancer.</i> 1994 Apr 1;57(1):104-10.	
	WANG et al., Effects of cisplatin and taxol on inducible nitric oxide synthase, gastrin and somatostatin in gastrointestinal toxicity. <i>Anticancer Drugs.</i> 1997 Oct;8(9):853-8.	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
--------------------	--	-----------------	--



PTO/SB/92 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Application No. (if known): 09/277,575

Attorney Docket No.: V0139.70028US00

## Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on March 2, 2007  
Date

  
\_\_\_\_\_  
Signature

Emily E. Zukauskas

\_\_\_\_\_  
Typed or printed name of person signing Certificate

\_\_\_\_\_  
Registration Number, if applicable

\_\_\_\_\_  
(617) 646-8373

\_\_\_\_\_  
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

IDS (Citation) by Applicant (27 References) (2 pages)